

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P-2395-AL	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable item 5 below.
International application No PCT/US03/40318	International filing date ( <i>day/month/year</i> ) 16 December 2003 (16.12.2003)	(Earliest) Priority Date ( <i>day/month/year</i> ) 17 December 2002 (17.12.2002)
Applicant APPLIED MEDICAL RESOURCES CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

#### 1 Basis of the Report

a With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2 ☐ Certain claims were found unsearchable (See Box I).

3 ☒ Unity of invention is lacking (See Box II).

4 With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5 With regard to the **abstract**

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may within one month from the date of mailing of this international search report, submit comments to this Authority.

6 The figure of the **drawings** to be published with the abstract is Figure No. 6A.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

☐ None of the figures

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## Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos :  
because they relate to subject matter not required to be searched by this Authority. namely:
2. ☐ Claim Nos :  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6 4(a)

## Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos :
4. ☒ No required additional search fees were timely paid by the applicant. Consequently this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos : 1-13 and 22-30

Remark on Protest

☐  
☐

The additional search fees were accompanied by the applicant's protest

No protest accompanied the payment of additional search fees

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## Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8 1(d))

The abstract is too long (PCT Rule 8 1(b)) The abstract must be less than 150 words or 200 words when no figure is to be published.

### NEW ABSTRACT

A surgical staple-clip including a clip component (210, 205) and a securing member (220) is used in a wide range of surgical procedures. The staple-clip may be introduced to a surgical site in an unassembled condition through a small port or trocar. An applier for the staple clip comprising a pair of opposed jaw-like channels is provided to position and apply the clip component and the securing member. The clip component is positioned around a target tissue and is compressed or clamped upon the tissue using only the force required for a specific surgical procedure such as occlusion, ligation, or fixation. When the clip component is properly applied, the securing member is urged forward and over the clip component to secure the staple-clip.

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<b>A. CLASSIFICATION OF SUBJECT MATTER</b>																						
IPC(7) : A61B 17/08																						
US CL : 606/157																						
According to International Patent Classification (IPC) or to both national classification and IPC																						
<b>B. FIELDS SEARCHED</b>																						
Minimum documentation searched (classification system followed by classification symbols) U S : 606/157, 151 158 213 219-221; 24/66 13																						
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched																						
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)																						
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>																						
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.																				
X	US 5,947,980 A (JENSEN et al ) 07 September 1999 (07 09 1999), See figure 1; Column 2, lines 40-60	1-6 8-13																				
X	US 5,843,101 A (FRY) 01 December 1998 (01 12 1998), See figure 5; Column 4 lines 1-9	1																				
X	US 6,325,810 B1 (HAMILTON et al ) 04 December 2001, See figure 12; Column 3, lines 22-35	1																				
<input type="checkbox"/> Further documents are listed in the continuation of Box C <input type="checkbox"/> See patent family annex																						
* Special categories of cited documents: <table border="0"> <tr> <td>'A'</td> <td>document defining the general state of the art which is not considered to be of particular relevance</td> <td>'T'</td> <td>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>'E'</td> <td>earlier application or patent published on or after the international filing date</td> <td>'X'</td> <td>document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>'I'</td> <td>document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>'Y'</td> <td>document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>'O'</td> <td>document referring to an oral disclosure use exhibition or other means</td> <td>'&amp;'</td> <td>document member of the same patent family</td> </tr> <tr> <td>'P'</td> <td>document published prior to the international filing date but later than the priority date claimed</td> <td></td> <td></td> </tr> </table>			'A'	document defining the general state of the art which is not considered to be of particular relevance	'T'	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	'E'	earlier application or patent published on or after the international filing date	'X'	document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	'I'	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	'Y'	document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents such combination being obvious to a person skilled in the art	'O'	document referring to an oral disclosure use exhibition or other means	'&'	document member of the same patent family	'P'	document published prior to the international filing date but later than the priority date claimed		
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'P'	document published prior to the international filing date but later than the priority date claimed																					
Date of the actual completion of the international search 26 May 2004 (26.05.2004)		Date of mailing of the international search report 18 JUN 2004																				
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P O. Box 1450 Alexandria Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Bradford C Pantuck Telephone No (703) 308-0858																				

# INTERNATIONAL SEARCH REPORT

PCT/US03/40318

## BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid

Group 1, Claims 1-13 and 22-30 drawn to two tissue engaging members with three walls

Group 2, Claims 14-21 drawn to tissue penetrating elements with a deformable connector

Group 3, Claims 31-34 drawn to a clip applier with a thumb mechanism.

Group 4, Claims 35-38 describe a clip with a latch.

Group 5, Claims 39-41 deal with a clamp with a tubular section and a wire

Group 6, Claims 42-43 set forth a staple and a clip

The inventions listed as Groups 1-6 do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Each invention has a separate inventive concept, as described above. Separate inventions require separate searches because of the burden required by the Examiner